TMH:dv:ilb 08/12/03 4810-58563 80021-261

PATENT Attorney Reference No. 4810-58563

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

03-25-07

In re application of: Kunst and Clemens

Application No.: 09/787,962

Filed: March 22, 2001

For: A PLANT LONG CHAIN FATTY

ACID BIOSYNTHETIC ENZYME

Examiner: Elizabeth F. McElwain

Date: August 13, 2003

Art Unit: 1638

Confirmation No. 1208

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on August 13, 2003 as First Class Mail in an envelope addressed to: ATTM: REFUND SECTION, ACCOUNTING DIVISION, OFFICE OF ENANCE, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXAMORIA, VA 22313-1450.

Tanya M. Harding, Pb.D. Attorney for Applicants

REQUEST FOR REFUND UNDER 37 C.F.R. § 1-26

ATTN: REFUND SECTION, ACCOUNTING DIVISION, OFFICE OF FINANCE COMMISSIONER FOR PATENTS P.O. BOX 1450 ALEXANDRIA, VA 22313-1450

In accord with the Patent Office notice of January 20, 1983 (1027 TMOG 14), Applicants hereby request a refund.

On March 26, 2003, Applicants timely mailed an Amendment and Response to Restriction Requirement (Amendment); no additional fee was required. This filing was acknowledged by the Patent Office by returning a Postcard stamped with the date of receipt of the Amendment. A copy of that Postcard, showing the date stamp of April 1, 2003, is enclosed herewith as **Exhibit A**.

On May 12, 2003, Applicants' representative performed a routine status check for the application on the PAIR on-line database, and was surprised to note that the April 1 Amendment was not yet listed. At the recommendation of Examiner Elizabeth F. McElwain, Applicants sent

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by facsimile a copy of the April 1 Amendment to be delivered directly to the Examiner. Included with that facsimile was a copy of the Postcard'showing the April 1, 2003, date stamp.

Based on receipt of the facsimile copy of the Amendment, the Patent Office erroneously charged a \$\frac{460.00}{2}\$ extension of time fee to Applicants' representative's deposit account (no. 02-4550). This is in error since that Amendment was originally and timely filed by the March 26, 2003, deadline.

Applicants therefore request a refund of the erroneously charged \$460.00.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By

Tanya M. Harding, Ph.D. Registration No. 42,630

One World Trade Center, Suite 1600 121 S.W. Salmon Street Portland, Oregon 97204

Telephone: (503) 226-7391 Facsimile: (503) 228-9446

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The following, due 3.26.03, mailed 3.26.03 by First Class Mail, was received in the U.S. PTO on the date stamped hereon:						
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